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even the maker of the legislative power; it is but the maker of the real maker, the speaker of the House of Representatives." This means a degradation not only of the Congressman, but also of the constituency that he represents, and therefore of the people of the United States. The House of Representatives has ceased to be a place where a man can be sure of an opportunity for public service at all commensurate with his zeal and capacity. It has become a place where such opportunities are no longer rights, but favors, bestowed partly on personal and partly on party considerations. The ascendancy of the speaker resembles in too many of its aspects the ascendancy of the party boss. Moreover, Congress is a school of politics for the whole country; and the spirit and methods which prevail there are reproduced more or less fully and rapidly all over the Union. The author's conclusion that this centralization is necessary and salutary may be well grounded; but it is prudent not to overlook its cost.

The book seems also to scant another important feature of its general theme — the relationship of the development of the speakership to the development of party government. It can scarcely be doubted that the two are organically related. But the wonder is that in a region so new the author should have succeeded in exploring so far and so well. She has placed every student of politics and political history under heavy obligations.

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A. D. MORSE.

Etat Fédéral et Confédération d'États. Par LOUIS LE FUR, Docteur en Droit. Paris, Marchal et Billard, 1896. — xvii, 839 pp.

In the first three hundred and fifty pages of this book the author gathers the material of which he is to make use further on. All of the confederations and federal states which have ever existed are described. The reader finds here an account of the Greek confederations, of the Republic of the United Netherlands, of the Germanic Confederation and the German Empire, of the Swiss Confederation before and after 1848, of the United States, of the federal republics of South America and also of the Dominion of Canada. Such a summary is very convenient, if well done, as it is in this case. The author shows ample and accurate knowledge, and he has the French gift of lucid exposition.

The theoretical or critical, as distinguished from the historical, part of his work, the author begins by a discussion of sovereignty, which he justly regards as distinguishing the state from all lower forms of

political organization. This view leaves no room for the category of non-sovereign states. The various theories that have been advanced in order to avoid this conclusion, including the divisibility of sovereignty, are examined and rejected. Present terminology, the author holds, is the result of historical traditions. The provinces of a decentralized simple state are in some instances not a whit behind the members of a federal union, either in the strength of local patriotism or in the extent of their authority. The pages devoted to this topic are well worthy of perusal.

When M. Le Fur comes to discuss the nature of sovereignty he is clearly hampered by the eighteenth-century conception of natural law, as something outside of and above the state, and imposing obligations upon it. He insists that the superlative is a relative term and that even the state is subject to law. Every one admits that the state, like every other earthly thing, is subject to limitations. It cannot, for instance, disregard economic laws without suffering the penalty. But if it does disregard them, its subjects are nevertheless bound by its commands. The law by which the French Convention fixed the price of commodities was in violation of sound economic principles, but it did not for that reason transcend the competence of the state. To hold otherwise is to introduce into a discussion of legal questions considerations that belong to a different category.

This confusion of thought avenges itself later in a curious manner. The author affirms that the indivisibility of sovereignty is to be inferred, not from the nature of sovereignty, but from the unity of the state. This, however, is a distinction without a difference; for how long would the state remain one were it not at the same time sovereign? The state could not be sovereign were it not one, nor one were it not sovereign. The same misconception mars the chapter dealing with the origin of the federal state. While giving a fair and lucid account of Jellinek's position, the author yet maintains that federal states both can be and in some instances are formed by treaty; and then he seeks the authority which compels the observance of the treaty and excludes the right of secession in the natural law, which is above the constitution and above the state itself. Fairness seems to require that in such a case the reviewer should quote the author's words:

Ce n'est plus en effet de contracts conclus entre individus, et qui par conséquent ont besoin d'être sans cesse renouvelés, qu'il s'agit ici, mais bien de conventions entre collectivités publiques qui ne meurent pas. Et ces conventions sont obligatoires, car les principes du droit s'imposent aux états

eux-mêmes; et bien qu'il n'existe pas au-dessus d'eux de pouvoir commun capable de les contraindre par la force à l'exécution de leurs obligations, il n'en sont pas moins tenus en droit d'accomplir celles qu'ils ont contractées.

It is difficult to imagine why the treaties by which a confederation is formed, should not have the same sanction; but if so, what becomes of the distinction between the federal state and the confederation, which it is the object of this volume to establish?

Despite such drawbacks, however, the book before us is not without substantial merits. The author has made a thorough study of the literature of the subject, and his analysis of the views of other writers is clear and discriminating. His own criticisms, moreover, are often so pertinent and suggestive as to increase the regret that his standpoint compels him to be untrue to the general trend of his own opinions, and to reject upon fundamental questions the views of writers who have done most to clear up the problem of the nature of the federal state.

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Éléments de Droit Constitutionnel. Par A. ESMEIN, Professeur à la Faculté de Droit de Paris, Directeur-Adjoint à l'École Pratique des Hautes-Études. Paris, 1896. — 841 pp.

As in his well-known *Cours Élémentaire d'Histoire du Droit Français*, the author has aimed in this book to "compose a treatise at once elementary and scientific"; and at the outset one may acknowledge the success with which he has performed his difficult task. Throughout the comparative historical method is employed; so that in effect the work, though having as its ultimate object an exposition of the constitutional law of France, is an elaborate treatise on the development of the forms and principles of self-government in the modern state. It is marked by the same care in definition, the same terse epigrammatic diction and the same clear analysis which characterize the author's great work on *Le Mariage en Droit Canonique*. Moreover, one is struck by his intimate acquaintance with the literature of his subject, particularly that which relates to the constitutional history of Germany, England and the United States.

Besides an introduction of twenty-three pages, the book is divided into two parts. The first part deals with "Modern Liberty, its Principles and Institutions"; and the second, with "The Constitutional Law of the French Republic."

In the introduction, by a series of definitions, the essential